

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, THIRD CALLED SESSION

PROCEEDINGS

SIXTH DAY (CONTINUED) — THURSDAY, APRIL 27, 2006

The house met at 11 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 41).

Present — Mr. Speaker; Allen, A.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte, V.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hernandez; Herrero; Hill; Hochberg; Hodge; Hope; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Hupp; Isett, C.N.; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, R.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley.

Absent, Excused — Escobar; Hilderbran; Homer; Oliveira.

Absent — Zedler.

The invocation was offered by Julio Patino, pastor, Casa de Oracion, Laredo, as follows:

Dear God, we come before you in the name of your son Jesus. As this day of business begins, we pause to give you thanks and praise for who you are: lord of lords and king of kings. Your word says, "Whatever you do, whether in word or deed, do it all in the name of our Lord Jesus, giving thanks to God the Father through him."

Father, I thank you for giving me the opportunity to honor your name before these great men and women who govern our state with wisdom, passion, and determination. I pray that you guide them in their decisions with clarity and

resolve. Lord, bless their lives, families, and labor. You are the one who gives us all according to our deeds; give these public servants their reward for their brave hearts.

Thank you Lord for our great State of Texas and the freedom we enjoy in our nation. Father, we pray for the safety of our men and women in uniform who serve here and abroad, for peace in the affairs of our people. We pray in the name of our Lord and Savior Jesus the Christ. Amen and Amen.

The speaker recognized Representative Raymond who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Escobar on motion of Gonzales.

Hilderbran on motion of Goolsby.

Homer on motion of Farabee.

Oliveira on motion of Villarreal.

(Zedler now present)

CAPITOL PHYSICIAN

The speaker recognized Representative Laubenberg who presented Dr. N. Christopher Lawrence of McKinney as the "Doctor for the Day."

The house welcomed Dr. Lawrence and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HB 5 - RULES SUSPENDED

Representative Krusee moved to suspend Rule 4, Section 41 of the House Rules and all other necessary rules to allow the house to consider **HB 5** on today's calendar.

A record vote was requested.

The motion prevailed by (Record 42): 126 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte, V.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farrar; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hill; Hope; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Hupp; Isett, C.N.; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Laney; Laubenberg; Leibowitz; Luna; Madden;

Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Swinford; Taylor; Truitt; Turner; Uresti; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Coleman; Davis, Y.; Dunnam; Hochberg; Martinez Fischer; Olivo; Thompson; Veasey.

Present, not voting — Mr. Speaker(C); Talton.

Absent, Excused — Escobar; Hilderbran; Homer; Oliveira.

Absent — Burnam; Castro; Gallego; Hernandez; Hodge; Jones, J.; Kuempel; Moreno, P.; Noriega, R.; Straus.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 42. I intended to vote no.

Farrar

When Record No. 42 was taken, my vote failed to register. I would have voted no.

Hernandez

I was shown voting yes on Record No. 42. I intended to vote no.

Herrero

When Record No. 42 was taken, my vote failed to register. I would have voted no.

R. Noriega

HCR 21 - ADOPTED (by Taylor)

Representative Taylor moved to suspend all necessary rules to take up and consider at this time **HCR 21**.

The motion prevailed.

The following resolution was laid before the house:

HCR 21, Honoring the Distinguished Graduates of La Marque High School of 2006.

HCR 21 was adopted.

HCR 27 - ADOPTED (by C. N. Isett)

Representative C. N. Isett moved to suspend all necessary rules to take up and consider at this time **HCR 27**.

The motion prevailed.

The following resolution was laid before the house:

HCR 27, Honoring SKC James A. Spiller of Austin on his retirement from the U.S. Navy Reserve.

HCR 27 was read and was adopted.

On motion of Representative Hupp, the names of all the members of the house were added to **HCR 27** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative C. N. Isett who introduced SKC James A. Spiller.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

HB 5 ON SECOND READING (by Hamric)

HB 5, A bill to be entitled An Act relating to increases in the taxes on cigarettes and other tobacco products.

Amendment No. 1

Representative Chisum offered the following amendment to **HB 5**:

Amend **HB 5** on page 1, line 8, by striking "\$70.50" and substituting "\$53".

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HB 5 - (consideration continued)

Representative Hill moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 43): 104 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Casteel; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farrar; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Harper-Brown; Hernandez; Herrero; Hill; Hochberg; Howard, C.; Howard, D.; Hupp; Jackson; Jones, J.; Keel; King, P.; Kolkhorst; Krusee; Leibowitz; Luna; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Morrison; Mowery; Naishtat; Nixon; Noriega, R.; Olivo; Orr; Otto; Pickett; Pitts; Puente; Reyna; Ritter; Rodriguez; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Anderson; Bailey; Campbell; Chisum; Corte, V.; Davis, Y.; Deshotel; Dukes; Guillen; Haggerty; Hardcastle; Hartnett; Hegar; Hodge; Hope; Hopson; Hughes; Hunter; Isett, C.N.; Jones, D.; Keffer, B.; King, T.; Kuempel; Laney; Laubenberg; Martinez; Menendez; Miller; Paxton; Peña; Phillips; Quintanilla; Raymond; Riddle; Rose; Swinford; Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Escobar; Hilderbran; Homer; Oliveira.

Absent — Gallego; Keffer, J.; Merritt; Moreno, P.

STATEMENTS OF VOTE

When Record No. 43 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

When Record No. 43 was taken, I was in the house but away from my desk. I would have voted no.

Merritt

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

J. Keffer on motion of Swinford.

HB 5 - (consideration continued)

A record vote was requested.

HB 5 was passed to engrossment by (Record 44): 82 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Anchia; Berman; Blake; Bohac; Branch; Brown, F.; Callegari; Campbell; Casteel; Chavez; Cook, B.; Cook, R.; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eiland; Eissler; Elkins; England; Farabee; Flores; Gattis; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Hegar; Herrero; Howard, C.; Howard, D.; Hunter; Jackson; Jones, J.; Keel; King, P.; Kolkhorst; Krusee; Laney; Leibowitz; Luna; Madden; McCall; McClendon; McReynolds; Morrison; Mowery; Nixon; Noriega, R.; Olivo; Orr; Otto; Pickett; Pitts; Quintanilla; Reyna; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Taylor; Truitt; Uresti; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Alonzo; Anderson; Bailey; Bonnen; Brown, B.; Burnam; Chisum; Coleman; Corte, V.; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Farrar; Frost; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Harper-Brown; Hartnett; Hernandez; Hochberg; Hodge; Hope; Hopson; Hughes; Hupp; Isett, C.N.; Keffer, B.; King, T.; Kuempel; Laubenberg; Martinez; Martinez Fischer; Menendez; Merritt; Miller; Naishtat; Paxton; Peña; Phillips; Puente; Raymond; Riddle; Rodriguez; Rose; Swinford; Talton; Thompson; Turner; Veasey.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Escobar; Hilderbran; Homer; Keffer, J.; Oliveira.

Absent — Allen, A.; Castro; Dutton; Flynn; Gallego; Hill; Jones, D.; Moreno, P.; Solis.

STATEMENTS OF VOTE

When Record No. 44 was taken, I was in the house but away from my desk. I would have voted no.

A. Allen

When Record No. 44 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

When Record No. 44 was taken, I was in the house but away from my desk. I would have voted no.

Dutton

When Record No. 44 was taken, my vote failed to register. I would have voted no.

Flynn

When Record No. 44 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

I was shown voting yes on Record No. 44. I intended to vote no.

Herrero

When Record No. 44 was taken, my vote failed to register. I would have voted yes.

Hill

When Record No. 44 was taken, my vote failed to register. I would have voted no.

D. Jones

REASON FOR VOTE

I voted against **HB 5** because the funds are not to be used for health care or cessation programs.

Puente

HR 261 - ADOPTED (by Luna)

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 261**.

The motion prevailed.

The following resolution was laid before the house:

HR 261, Welcoming Teresa Sanchez, reigning queen of Corpus Christi's Feria de las Flores, and the 2006 pageant contestants.

HR 261 was read and was adopted.

On motion of Representative Seaman, the names of all the members of the house were added to **HR 261** as signers thereof.

ADJOURNMENT

Representative Hunter moved that the house adjourn until 12:37 p.m. today in memory of Dr. Shannon Holloway, Jr., of Abilene.

The motion prevailed.

The house accordingly, at 12:36 p.m., adjourned until 12:37 p.m. today.

ADDENDUM

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, April 27, 2006

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 17 Truitt SPONSOR: Zaffirini
Designating April 2006 as Child Safety Month in Texas.

HCR 20 Truitt SPONSOR: Nelson
Declaring May 6, 2006, Janie Casey Day in Keller.

Respectfully,
Patsy Spaw
Secretary of the Senate

